

ORDINANCE #749

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON ADOPTING FINDINGS TO SUPPORT THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF LAND USE, BUILDING AND DEVELOPMENT PERMITS, AND BUSINESS LICENSES, FOR ADULT BUSINESS USES.

WHEREAS, there is evidence that the City could, in the near future, receive applications for Adult Business Uses in the City; and

WHEREAS, the Ilwaco Municipal code may not currently adequately address the various impacts to public health, safety, morals and general welfare that these uses present; and

WHEREAS, the City Council passed Ordinance # 744 establishing a moratorium on the acceptance of applications for adult business uses; and

Whereas, RCW 35A.63.220 and RCW 36.70A.390 require cities to adopt findings justifying the establishment of a moratorium.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO HEREBY ORDAINS AND ADOPTS THE FOLLOWING FINDINGS RELATED JUSTIFYING THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ADULT BUSINESSES ESTABLISHED BY ORDINANCE # 744:

1. Other cities in this State and elsewhere in the country have adopted ordinances regulating Adult Business Uses based on evidence of the negative secondary effects of such uses.
2. The citizens of Ilwaco would be well served if City Council members and City Staff had an opportunity to more thoroughly consider all aspects of zoning and business regulations relating to Adult Business Uses and more fully addressed and understood the potential negative secondary effects, in the form of health, safety and economic and aesthetic impacts, those uses impose upon neighboring properties and on the community as a whole.
3. The City needs to review existing information on the negative secondary effects of Adult Business Uses, and to review the City's Code and ordinances in a comprehensive fashion to determine whether they sufficiently address the secondary effects of such uses.
4. The City should impose a moratorium barring the acceptance of all applications for and issuance of business licenses, building permits, land use permits or other licenses or permits until additional review has been completed and any necessary code revisions have been adopted by the Ilwaco City Council and become effective.

5. The Ilwaco City Council understands that a portion of or all of the materials sold by Adult Business Uses may be protected by the First Amendment of the U.S. Constitution and/or Article 1, Section 5 of the Washington State Constitution.

6. The purpose of the moratorium on the acceptance of applications to operate an adult business is to provide time in which the City Council and Planning Commission may study its existing Code and ordinances, and the negative secondary effects of Adult Business Uses, determine what reasonable regulation is necessary to mitigate the secondary effects; and prepare for adoption of suitable time, place and manner restriction narrowly tailored to regulate such uses by the least restrictive means available.

7. The City of Ilwaco desires to continue to pursue its examination of the prospective impacts on the unique, family-oriented, tourism-based economy of the City during the period of the moratorium established by Ordinance No. 744.


8. Additional time for further examination of the implications of such regulation is necessary.

PASSED on first reading by at least a majority plus one of the whole membership of the City Council of the City of Ilwaco, Washington and executed by its Mayor this 22nd Day of December, 2008.

APPROVED this 22nd day of December, 2008.



Doug Hubbard, Mayor



Melissa K. Busby, MBA, City Treasurer